

### **REMARKS**

The Office Action dated February 17, 2010 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claims 1, 22, 38, and 64 have been amended to more particularly point and distinctly claim the subject matter of the present invention. No new matter has been added. Support for the amended features are amended based on claims 6, 25, and 41, and the description found in paragraphs [0080] and [0081] of the Specification. Claims 6, 25, 41, and 47 have been cancelled without prejudice or disclaimer. Accordingly, claims 1-5, 7-9, 12-23, 25-29, 31-40, 42-46, and 64 are pending in the application, of which claims 1, 22, 38, and 64 are independent claims. Applicants respectfully submit claims 1-5, 7-9, 12-23, 25-29, 31-40, 42-46, and 64 for consideration.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

### **REJECTION UNDER 35 U.S.C. § 112:**

In the Office Action, claims 1, 22, 38, and 64 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

In response, the claims have been amended to more particularly point out and distinctly claim the invention.

Accordingly, it is respectfully requested that the § 112, second paragraph rejections to the claims be withdrawn.

**CLAIM REJECTION - 35 U.S.C. 102**

Claims 1-3, 5-8, 12-29, 31-46, and 64 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Appln. Pub. No. 2005/0074099 of Marsot (“Marsot”). Applicants respectfully submit that each of claims 1-3, 5-8, 12-29, 31-46, and 64 recites subject matter that is neither disclosed nor suggested in Marsot. Claims 6, 25, and 41 have been cancelled without prejudice or disclaimer. Accordingly, Applicants respectfully submit that the rejection of these claims is moot in view of the claim cancellations, and respectfully requests that this rejection be withdrawn.

Independent claim 1, upon which claims 2-9 and 12-21 depend, is directed to a method including receiving in a response server a media message from a terminal, the media message comprising response content and application specific content. The method also includes using the application specific content to program a call response of the response server. The method further includes at least one of playing and transmitting the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the response server. The method further includes receiving by the response server one of a call and a session request from the another terminal directed to the user of the terminal, checking a media capability of the another terminal, and transmitting one of the response content and a part of the

response content to the another terminal in a response media message when detecting that the another terminal has media capability.

Independent claim 22, upon which claims 23-29 and 31-37 depend, is directed to an apparatus including a receiver configured to receive from a terminal a media message which includes response content and application specific content. The apparatus also includes a processor configured to store the response content, to use the application specific content to program a call response of the apparatus, and to check a media capability of another terminal. The apparatus is configured to, at least one of play and transmit the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the apparatus. The apparatus also includes a transmitter configured to transmit one of the response content and at least part of the response content in a new media message to the another terminal in case the another terminal comprises media capability.

Independent claim 38, upon which claims 39-46 depend, is directed to an apparatus including a receiver configured to receive, from a terminal, a media message which includes response content and application specific content. The apparatus also includes a processor configured to process the media message to derive the response content, to store the derived response content of the media message, to process the application specific content, to program a call response of the apparatus, to check a media capability of another terminal, and to, at least one of play and transmit the call response to another terminal, when a call or a session request of the another terminal is directed to

a user of the terminal is received by the apparatus. The apparatus also includes a transmitter configured to generate and transmit the media message comprising one of the response content and at least a part of the response content to the another terminal when the processor detects that the another terminal has media capability.

Independent claim 64 is directed to a computer-readable storage medium encoded with instructions configured to control a computer to perform a process including receiving, from a terminal in a response server a media message, the media message comprising response content and application specific content. The process also includes using the application specific content to program a call response of the response server. The process further includes at least one of playing and transmitting the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the response server. The process also includes receiving by the response server one of a call and a session request from the another terminal directed to the user of the terminal, checking a media capability of the another terminal, and transmitting one of the response content and a part of the response content to the another terminal in a response media message when detecting that the another terminal has media capability.

Applicants respectfully submit that Marsot fails to disclose or suggest all of the features of any of presently pending claims.

Marsot describes methods and systems for parametrizing the greeting message of a voice mailbox includes a user records a greeting message at a terminal, where the

greeting message is compressed at the terminal. Marsot describes that a multimedia message including the compressed greeting message is produced at the terminal. The multimedia message includes an instruction field to indicate that it is a greeting message, and the multimedia message is sent from the terminal to a greeting message server. (*see* Marsot at paragraphs [0014]-[0018]).

However, Marsot fails to disclose or suggest, at least, “checking a media capability of the another terminal; and transmitting one of the response content and a part of the response content to the another terminal in a response media message when detecting that the another terminal has media capability,” as recited in independent claim 1 and similarly recited in independent claims 22, 38, and 64. Instead, Marsot describes steps performed for the identification of the called party by a server 115. In general, the identifier is the telephone number. Marsot provides that this identifier is transmitted to the voice mail server which must be capable of assigning the messages left by the users, who get linked up to the server 115, to the subscribers. The server 115 is therefore in possession of an identifier of the called party, classically his telephone number. The method then produces a request to obtain the greeting message corresponding to the called party (*see* Marsot at paragraph [0054]).

The Office Action asserted that paragraph [0054] of Marsot described the features of cancelled claims 6, 25, and 41, now incorporated into independent claims 1, 22, 38, and 64. However, as explained above, this portion of Marsot simply describes using the telephone number of the called party as an identifier to produce a request to obtain a

greeting message corresponding to the called party. Such description fails to teach or suggest a configuration in which a media capability of another terminal would be checked and, in a response media message, transmitting one of the response content and a part of the response content to the another terminal, when the another terminal has media capability as in the present independent claims.

The object achieved and, thus, the technical problem solved by the feature of taking into account media capabilities is transmitting messages according to the capabilities of the receiving terminals, for instance, media messages only to terminals with media capabilities. *See* paragraph [0097] of the Specification of the present application. Marsot fails to appreciate and provide a system and method configured to provide the novel advantages of the features recited in the present independent claims.

For at least the reasons discussed above, Applicants respectfully submit that Marsot fails to disclose or suggest all of the features of independent claims 1, 22, 38, and 64. Accordingly, Applicants respectfully request that the rejection of independent claims 1, 22, 38, and 64 and related dependent claims be withdrawn.

**REJECTION UNDER 35 U.S.C. § 103:**

*Claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Marsot in view of U.S. Publication No. 20030063590 to Mohan et al. (“Mohan”). The Office Action took the position that Marsot describes all the claimed features except for the recitations in claims 4-6 and 20-22. Accordingly, the Office Action relied upon*

*Mohan as curing the deficiencies of Marsot. The rejection is respectfully traversed for the reasons which follow.*

Dependent claims 4 and 9 depend from independent claim 1. Because the combination of Marsot and Mohan must teach, individually or combined, all the recitations of the base claim and any intervening claims of dependent claims 4 and 9, the arguments presented above supporting the patentability of independent claim 1 over Marsot are incorporated herein.

As will be discussed below, Marsot and Mohan, individually or fail to disclose or suggest the elements of any of the presently pending claims.

Mohan describes methods and systems for managing a call based on multimedia data. A method includes receiving first data related to a call sent by a calling party to a called party. In response to the first data, the method obtains from a database second data related to the call. At least one of the first data, the second data, and a combination of the first and second data includes multimedia data. The method manages the call based at least in part on the multimedia data (*see* Mohan at Abstract).

However, similarly to Marsot, Mohan is silent as to teaching or suggesting, at least, “at least one of playing and transmitting the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the response server...checking a media capability of the another terminal; and transmitting one of the response content and a part of the response content to the another terminal in a response media message when detecting that the another terminal

has media capability,” as recited in independent claim 1. As shown in Figure 6, Mohan describes a multimedia personal call management (MPCM) server that sends (4) a menu of options to a calling party, which selects (5) to record a voice clip from the menu (*see* Mohan at paragraphs 24 and 75-76). The MPCM server obtains (6) the voice clip from the calling party, and later sends the recorded voice clip (7D) and another menu of options (8) to a called party (*see* Mohan at paragraphs 76-77). The Office Action asserted that the recorded voice clip and the another menu of Mohan correspond to the call response of the claimed invention (*see* Office Action at page 3, first paragraph). The Office Action further alleged that the calling party of Mohan corresponds to the terminal of the claimed invention (*see id.*).

Contrary to the assertions of the Office Action, the recorded voice clip and the calling party of Mohan cannot correspond to the call response and the terminal of the claimed invention, respectively, since Mohan fails to disclose or suggest at least one of playing and transmitting a call response to another terminal, when a call or a session request of the another terminal directed to a user of a terminal is received by a response server. Accordingly, Mohan does not disclose or suggest, at least, “at least one of playing and transmitting the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the response server,” as recited in independent claim 1.

Lastly, Mohan describes sending the recorded voice clip to the called party (*see* Mohan at Figure 6, step 7D), and fails to disclose or suggest “checking a media capability



of the another terminal; and transmitting one of the response content and a part of the response content to the another terminal in a response media message when detecting that the another terminal has media capability,” as recited in independent claim 1. To sum, Mohan refers to a calling party recording a video clip to be sent to a called party, while the claimed invention refers to a called party programming a call response to be played or transmitted to a calling party.

There is no description provided in Mohan that would allow a person of ordinary skill in the art to provide checking a media capability of the another terminal, and transmitting one of the response content and a part of the response content to the another terminal in a response media message when detecting that the another terminal has media capability. There is no teaching or suggestion in Mohan of the transmission of at least one of playing and transmitting of the call response, the checking, and the transmission of one of the response content and the part of the response content as recited in independent claim 1.

Therefore, Mohan fails to cure the deficiencies of Marsot. Applicants respectfully request that the Office Action withdraw the rejection of independent claim 1 and related dependent claims 4 and 9 for at least the reasons presented above. Applicants respectfully request that dependent claims 4 and 9 be allowed.

## **CONCLUSION**

For at least the reasons discussed above, Applicants respectfully submit that the cited reference fails to disclose or suggest all of the features of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated. It is thus respectfully requested that all of claims 1-5, 7-9, 12-23, 25-29, 31-40, 42-46, and 64 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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